

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

BILLY JOE WINROW)	
)	
Plaintiff,)	
vs.)	NO. CIV-10-1115-D
)	
A.W. MIDDLETON, Warden, et al.,)	
)	
Defendants.)	

ORDER

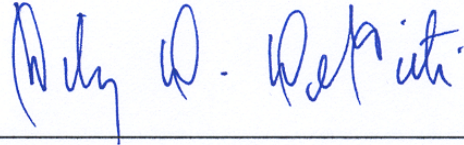
Plaintiff, who appears *pro se*, brought this action pursuant to 42 U. S. C. § 1983. He alleges that his constitutional rights were violated during his incarceration at the Cimarron Correctional Facility. Pursuant to 28 U.S.C. §636(b)(1)(B), the matter was referred to United States Magistrate Judge Doyle W. Argo for initial proceedings.

Plaintiff filed a motion in which he sought a temporary restraining order and a mandatory injunction [Doc. No. 23]. On December 2, 2011, the Magistrate Judge filed a Report and Recommendation [Doc. No. 46] in which he recommended the motion be denied, concluding that Plaintiff had not established the elements required to obtain a temporary restraining order or a preliminary injunction. In the Report and Recommendation, the Magistrate Judge advised Plaintiff of his right to object to the findings and conclusions set forth therein and scheduled a December 22, 2011 deadline for filing such objections. He also expressly cautioned Plaintiff that a failure to timely file objections would result in a waiver of the right to appellate review of the factual and legal issues determined in the Report and Recommendation.

The deadline for filing objections has expired, and Plaintiff has not filed an objection to the Report and Recommendation or sought an extension of time in which to do so. Therefore, the Report and Recommendation [Doc. No.46]is adopted as though fully set forth herein. Plaintiff's

motion for a temporary restraining order and a mandatory injunction [Doc. No. 23] is denied. As set forth in the Report and Recommendation, this action remains under referral to Judge Argo.

IT IS SO ORDERED this 12th day of January, 2012.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE